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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,710	07/02/2004	Shane P Rossiter	CPG 02-03 MD	2430
38235 7590 02/20/2007 MEADWESTVACO CORPORATION ALEXANDRA B. URBAN,ESQ. 299 PARK AVENUE, 13TH FLOOR NEW YORK, NY 10171			EXAMINER PICKETT, JOHN G	
			ART UNIT 3728	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/500,710

Applicant(s)

ROSSITER, SHANE P

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 and 26-29 is/are allowed.
- 6) ☒ Claim(s) 1-14, 21, 23-25 and 30-40 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/3/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Preliminary Amendment of 2 July 2004 is acknowledged. Claims 1-40 are pending in the application.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4, 8, and 35-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "one of the boards" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "one of the boards" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "the outer end spine" in line 9. There is insufficient antecedent basis for this limitation in the claim. Moreover, it is unclear as to which panel the term "adjacent panel" refers. Adjacent is a relative term, but the claim presents no relationship to the remaining panels

Claims 36-40 are dependent on claim 35 and are rejected for the above reasons.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14, 21, 23-25, and 30-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kosterka (US 4,709,812).

Claim 1: It is noted that trays are not required on all of the boards, only a plurality. Accordingly, Kosterka discloses a boxed disc package comprising a box base (bottom of carton in Figure 8), a foldable, rigid creased board (50, see Figure 1) having multiple parallel creases 61, 62, 63, & 64, plural board receiving panels 52, 54, & 56, plural spines 57 & 59, plural tray holding boards 51, 53, & 55, and plural disc holding trays 41 (see for example Figure 6). One of the board receiving panels is secured in a bottom of the box base upon closure of the carton. The term “secured in” is broad enough to include those items enclosed within.

Claim 2: Kosterka discloses board-receiving panels and trays foldable perpendicular to the spines.

Claim 3: Kosterka rotates the folded assembly 90 deg. such that the spines are positioned along opposite sidewalls of the box.

Claim 4: Kosterka discloses one of the boards mounted on an inwardly facing side.

Claim 5: Kosterka discloses the panels on the board folded as claimed.

Claim 6: It is noted that trays are not required on all of the boards, only a plurality. Accordingly, Kosterka discloses a boxed disc package comprising a box base (bottom of carton in Figure 8), a foldable, rigid creased board (50, see Figure 1) having multiple parallel creases 61, 62, 63, & 64, plural board receiving panels 52, 54, & 56, plural spines 57 & 59, plural tray holding boards 51, 53, & 55, and plural disc holding trays 41 (see for example Figure 6). One of the board receiving panels is "placed in" a bottom of the box base.

Claim 7: Kosterka rotates the folded assembly 90 deg. such that the spines are positioned along opposite sidewalls of the box.

Claim 8: Kosterka discloses one of the boards mounted on an inwardly facing side.

Claim 9: Kosterka discloses the panels on the board folded as claimed.

Claim 10: It is noted that trays are not required on all of the boards, only a plurality. Accordingly, Kosterka discloses a boxed disc package comprising a box (carton in Figure 8), a foldable, rigid creased board (50, see Figure 1) having multiple parallel creases 61, 62, 63, & 64 forming alternating board receiving panels 52, 54, & 56 and spines 57 & 59, and disc holding trays 41 mounted on the panels (see for example Figure 6). Kosterka rotates the folded assembly 90 deg. such that the spines are positioned along opposite sidewalls of the box; therefore, one of the spines is "mounted along" a side of the box.

Claims 11-13: Kosterka discloses first end panel **52**, second end panel **56**, intermediate panel **54**, first end spine **57**, and second end spine **59** arranged as claimed.

Claim 14: The spines of Kosterka are of lengths as claimed.

Claim 21: It is noted that trays are not required on all of the boards, only a plurality. Accordingly, Kosterka discloses a boxed disc package comprising a box (carton in Figure 8), a foldable carrier (**50**, see Figure 1) having multiple parallel creases **61, 62, 63, & 64** forming alternating board receiving panels **52, 54, & 56** and spines **57 & 59**, and disc holding trays **41** mounted on the panels (see for example Figure 6). One section of the foldable carrier is secured to a bottom of the box base upon closure of the carton.

Claim 23: Kosterka rotates the folded assembly 90 deg. such that the spines are positioned along opposite sidewalls of the box.

Claim 24: Kosterka discloses the panels on the board folded as claimed. It is noted that "hinged near" does not imply --attached to--.

Claim 25: Kosterka discloses the panels on the board folded as claimed.

Claim 30: It is noted that trays are not required on all of the boards, only a plurality. Accordingly, Kosterka discloses a boxed disc package comprising a box (carton in Figure 8), a foldable carrier (**50**, see Figure 1) having multiple parallel creases **61, 62, 63, & 64** forming alternating board receiving panels **52, 54, & 56** and spines **57 & 59**, and disc holding trays **41** mounted on the panels (see for example Figure 6). Kosterka rotates the folded assembly 90 deg. such that the spines are positioned along

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opposite sidewalls of the box; therefore, the spines are "mounted along" a side of the box.

Claim 31-34: Kosterka discloses first end panel **52**, second end panel **56**, intermediate panel **54**, first end spine **57**, and second end spine **59** arranged as claimed.

***Allowable Subject Matter***

4. Claims 15-20 and 26-29 appear to define over the available prior art.
5. Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 35-40 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Greg Pickett  
Examiner  
13 February 2007